

**REMARKS/ARGUMENTS**

Claims 1-4 are present in this application. By this Amendment, claim 1 has been amended, and claim 5 has been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

At the outset, Applicants respectfully submit that the finality of the February 16 Office Action is premature and should be withdrawn. The Office Action contends that “Applicants amended claims and supporting arguments necessitated a further search and new consideration such that the rejection and additional prior art cited in this action more clearly describe the claimed invention.” In this context, however, in the Amendment filed December 30, 2004, only a minor amendment to claim 1 was made to eliminate typically disfavored “configured to . . .” language. This minor clarification did not necessitate a further search. Moreover, the Office Action references “supporting arguments,” but arguments do not provide proper grounds for making an Office Action final. Rather, the arguments suggest the impropriety of the grounds for rejection, and Applicants should not be penalized for convincing the Examiner to withdraw the previous rejections. **Withdrawal of the finality of the Office Action is thus respectfully requested.**

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,170,633 to Kaplan et al. This rejection is respectfully traversed.

The Office Action contends that the duct dividers 45, 55 serve as partition members that partition a rotary zone of each rotor into an adsorption zone, a regeneration zone, and a cooling zone, referencing the dehumidification section 16, 58, regeneration section 17, 60, and air streams 18, 30. At least the air streams 18, 30, however, are not in fact portions of the rotors sectioned by the duct dividers 45, 55. As such, Applicants respectfully submit that the Kaplan

patent lacks at least the claimed partition members that partition a rotary zone of each rotor into an adsorption zone, a regeneration zone, and a cooling zone.

In addition, with reference to column 6, line 61 - column 8, line 28 in Kaplan, in the Kaplan system, the process air stream made up of ambient air 10 and recirculated air 11 enters the dehumidification section 16 of a first desiccant wheel 42. The air stream 18 then enters the dry side of an indirect evaporative cooler 46, through a direct evaporative cooler 48 into the space to be conditioned 50. Ambient air 28 that passes through the wet side of the indirect evaporative cooler 46 passes through the dehumidification section 58 of the second desiccant wheel 52. This air stream is heated via 56 and passed through the regeneration section 17 of the first desiccant wheel.

In contrast with this system, claim 1 defines a supply passage that allows sucked air to pass first through the adsorption zone of the first rotor then through the adsorption zone of the second rotor; moreover, claim 1 defines an exhaust passage that allows a portion of the dry air to pass first through the cooling zone of the first rotor then through the cooling zone of the second rotor; finally, the exhaust passage allows heated air to pass first through the regeneration zone of the second rotor then through the regeneration zone of the first rotor. Thus, the air streams flow in series through the first and second rotors rather than crossing through an evaporative cooler as in the Kaplan system. Applicants thus submit that the Kaplan patent lacks at least the claimed supply passage and the claimed exhaust passage.

Support for the amendments to claim 1 can be found at, for example, page 8, lines 7-10; page 9, line 23 through page 10, line 7; page 15, line 24 through page 16, line 1; page 17, lines 15-17; page 13, line 18 through page 14, line 22; and FIGS. 1 and 7.

In view of at least these distinctions, Applicants respectfully submit that the rejection is misplaced.

With respect to dependent claim 2, Applicants submit that this claim is allowable at least by virtue of its dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 3-5 were rejected under 35 U.S.C. §103(a) over Kaplan in view of U.S. Patent No. 5,242,473 to Ogasahara. This rejection is respectfully traversed.

At the outset, Applicants submit that neither Kaplan nor Ogasahara provides any suggestion to modify the Kaplan system to correct those deficiencies noted above with regard to claim 1. The Kaplan patent in fact teaches away from any such modification since to do so would render its system inoperative for its intended purpose. As such, Applicants submit that dependent claims 3 and 4 are allowable at least by virtue of their dependency on an allowable independent claim.

Moreover, the rotors in the Ogasahara system rotate at a same speed. See, for example, column 4, lines 39-66. In contrast, claim 1 recites that the rotation speed of the first rotor is faster than that of the second rotor. As a consequence, the system can efficiently make larger amounts of moisture, etc. adsorbs to the first rotor and to efficiently regenerate the adsorbent, since air containing large amounts of moisture is introduced into the first rotor. The rotation speed of the second rotor is lower in order to efficiently adsorb the moisture into the second rotor, since air from which the moisture, etc. has been removed is introduced into the second rotor.

Reconsideration and withdrawal of the rejection are thus respectfully requested.

KODAMA et al.  
Appl. No. 10/829,464  
May 16, 2005

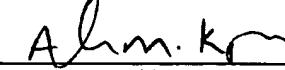
In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:



Alan M. Kagen  
Reg. No. 36,178

AMK:jls  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100